

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 17.1

TATTOO ARTISTS

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Historical note: This chapter is based substantially upon chapter 11-17.

§11-17.1-1 Scope of rules. This chapter establishes minimum sanitary requirements for the licensing of tattoo artists and tattoo shops, and shall not be construed as lowering the standards, ordinances, codes and rules established by other government agencies. In all instances, the more stringent rule shall apply. [Eff \_\_\_\_\_] (Auth: HRS §§321-13, 321-373) (Imp: HRS §321-373)

§11-17.1-2 Definitions. As used in this chapter: "Adequate" means sufficient to fulfill the

requirements for a proposed end.  
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"Approved" means acceptable to the director based on the director's determination as to conformance with applicable standards and good public health practice.

"Aseptic technique" means a practice which prevents and hinders the transmission of disease producing micro-organisms from one person or place to another person or place.

"Department" means the department of health of the State of Hawaii.

"Director" means the director of health or a duly authorized representative.

"Facial tattoo" means any tattoo applied above the jawline, anterior to the ear and frontal hairline including the eyelids, eyebrows, or lips.

"HRS" means Hawaii Revised Statutes.

"License" means a license issued to a tattoo artist or a tattoo shop under this chapter.

"Sanitize" means to treat a clean surface and destroy pathogenic micro-organisms.

"Single-service items" means articles intended for one-time, one-person use and are to be discarded after such use.

"Tattoo" means an indelible mark or decorative design created by the introduction of dyes or pigments beneath the surface of the skin with the aid of needles or other devices.

"Tattoo artist" means an individual who practices tattooing.

"Tattoo shop" means any premises where a tattoo artist practices tattooing. [Eff \_\_\_\_\_]  
(Auth: HRS §§321-13, 321-373) (Imp: HRS §321-373)

§11-17.1-3 Tattoo artist license. (a) Except as otherwise provided by law, no person shall practice the occupation of tattoo artist in this State either gratuitously or for pay, or shall announce oneself either publicly or privately as prepared or qualified to practice that occupation without having a valid unrevoked license to do so.

(b) A license shall be valid from the date of issuance to December 31 of the next even numbered year.

(c) All applications for issuance or renewal of a tattoo artist license shall be made on forms prescribed by the department.

(d) All applicants for issuance or renewal of a

tattoo artist license shall:

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- (1) Demonstrate to the satisfaction of the director that the applicant has taken an examination as prescribed by the director and received a passing score.
- (2) Provide to the department the name of the licensed tattoo shop where the tattoo artist will be practicing tattooing.
- (e) No tattoo artist license shall be issued or renewed unless the artist is in compliance with all requirements of this chapter.
- (f) Physicians holding a valid unrevoked license under chapter 453 are exempt from the requirements of this chapter. [Eff ] (Auth: HRS §§321-13, 321-373) (Imp: HRS §321-374)

§11-17.1-4 Tattoo artist examination. Tattoo artist examinations shall be administered only in January and July of each year. [Eff ] (Auth: HRS §§321-13, 321-373) (Imp: HRS §321-373)

§11-17.1-5 Tattoo shop license. (a) Except as otherwise provided by law, no person, partnership, firm, or corporation shall operate a tattoo shop unless the shop has been issued a license by the director.

(b) A license shall be valid from the date of issuance to December 31 of the next even numbered year.

(c) All applications for issuance or renewal of a tattoo shop license shall be made on forms prescribed by the director.

(d) All applicants for issuance or renewal of a tattoo shop license shall:

- (1) Demonstrate to the satisfaction of the director that the shop has been inspected by the director and found to be in compliance with the requirements of this chapter; and
- (2) The person in charge of the shop is a licensed tattoo artist.

(e) All applicants for issuance or renewal of a tattoo shop license shall provide to the department the names and license numbers of all tattoo artists who are practicing tattooing at the shop.

(f) All tattoo shop licenses shall be non-transferable from one licensee to another or from one

location to another.

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(g) Each tattoo shop license shall be posted in a conspicuous place in the tattoo shop to which the license pertains. [Eff ] (Auth: HRS §§321-13, 321-373) (Imp: HRS §321-373)

§11-17.1-6 Plan review. (a) Whenever a tattoo shop is constructed or extensively remodeled and whenever an existing structure is converted for use as a tattoo shop, plans and specifications for such construction, remodeling, or conversion shall be submitted to the director for review and approval prior to construction, remodeling or conversion.

(b) The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities.

(c) The director shall approve plans and specifications that meet all of the requirements of this chapter.

(d) No tattoo shop shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the director. [Eff ] (Auth: HRS §§321-13, 321-373) (Imp: HRS §321-373)

§11-17.1-7 Fees. (a) Each application for issuance or renewal of a tattoo artist license and tattoo shop license shall be accompanied by payment of a fee.

(b) No license shall be issued or renewed unless all fees required by this chapter have been paid.

(c) In the event the applicant fails to qualify for issuance or renewal of a license, no part of the fee shall be refunded to the applicant.

(d) A biennial renewal fee for each license shall be paid to the department on or before December 31 of each even numbered year.

(e) Failure, neglect, or refusal of any licensee to pay the biennial renewal fee on or before such date shall constitute a forfeiture of the license. Forfeiture shall become effective thirty days after the delinquent licensee has been served written notice by

registered or certified mail with return receipt requested.

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(f) The following fees are due and must accompany each application for license issuance, renewal, or restoration:

- (1) Tattoo artist license application fee: \$200
- (2) Tattoo shop license application fee: \$200
- (3) Tattoo artist license renewal fee: \$20
- (4) Tattoo shop license renewal fee: \$20
- (5) Late re-registration fee: \$100

[Eff ] (Auth: HRS §§321-13, 321-373)  
(Imp: HRS §321-382)

§11-17.1-8 Restoration of forfeited license. A forfeited license may be restored after submission of a written application for renewal and payment of the late re-registration fee and delinquent renewal fees.

[Eff ] (Auth: HRS §§321-13, 321-373)  
(Imp. §§321-374, 321-381)

§11-17.1-9 Reporting requirements. (a) All tattoo artists shall report in writing to the department every change of the site at which the tattoo artist has been practicing tattooing. All reports shall be made no later than fourteen days after the change has occurred.

(b) All tattoo shops shall report in writing to the department every change in the names or license numbers of the tattoo artists engaged in tattooing at the shop. Such reports shall be made no later than fourteen days after the change has occurred.

[Eff ] (Auth: HRS §§321-13, 321-373)  
(Imp. HRS §321-373)

§11-17.1-10 Existing licenses. All tattoo artists and tattoo shops having valid and effective licenses on the effective date of this chapter shall be deemed licensed under the provisions of this chapter. [Eff

] (Auth: HRS §§321-13, 321-373) (Imp: HRS §321-373)

§11-17.1-11 Inspections. The director may enter

any tattoo shop at any reasonable time for the purpose of determining compliance with this chapter. All records and documents of a tattoo shop shall be made

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available to the department for inspection to determine compliance with this chapter.

[Eff ] (Auth: HRS §§321-13, 321-373)  
(Imp. HRS §321-373)

§11-17.1-12 Facial tattoos. (a) Application of facial tattoos shall be prohibited except by a physician licensed under HRS chapter 453 or by a tattoo artist licensed under this chapter and performing facial tattoos under the general supervision of a licensed physician. **[General supervision shall include the examination of the person receiving the tattoo by the supervising physician before and after application of the tattoo. The physician shall check for any signs of medical complications, including infection or allergic reactions. Appropriate documentation of the examination by the physician shall be kept on file at the tattoo shop on a form prescribed by the director.]**

(b) All tattoo artists who apply facial tattoos shall provide to the department a written statement from the tattoo artist's supervising physician verifying their working relationship on a form prescribed by the director.

Such written verifications shall be submitted to the department prior to any change of the supervising physician and at each biennial renewal of the tattoo artist's license. Failure to provide such written verifications shall be grounds for denial, suspension, or revocation of the tattoo artist's license.] "General supervision" requires a tattoo artist to have a formal association with a physician and shall require written protocols which describe the association in terms of functions and responsibilities of the participants. Supervision does not require the physical presence of the supervising physician.

**[(c)] (b)** The use of injections is prohibited, unless administered by a physician licensed under HRS chapter 453 or by a registered nurse licensed under HRS chapter 457.

**[(d)] (c)** Facial tattoo artists may apply topical anesthetics with the approval of the supervising physician. [Eff ] (Auth: HRS §§321-13,

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§11-17.1-13 Restrictions. (a) No tattoo artist shall practice tattooing in any place other than a tattoo shop having a valid and effective license.

(b) No tattoo artist shall apply a tattoo to any person who appears to be or admits to being under the influence of intoxicating substances, which include, but are not limited to alcohol, drugs, paints, and glues. [Eff ] (Auth: §§ HRS321-13, 321-373) (Imp: HRS §321-373)

§11-17.1-14 Sanitation requirements for tattoo shops. All tattoo shops shall comply with all of the following requirements in order to qualify for a license:

(1) The tattooing and waiting areas shall be separated by a solid partition or barrier which prevents unauthorized entry into the tattooing area;

(2) The shop shall be maintained in a sanitary condition;

(3) The walls and ceilings shall be easily cleanable, smooth, durable, and light-colored. All walls and ceilings shall be kept clean and in good repair;

(4) Tattooing area floors and floor coverings shall be constructed of materials which are smooth, durable, nonabsorbent, and easily cleanable. All floors shall be kept clean and in good repair;

(5) Adequate lighting shall be provided;

(6) Approved ventilation shall be provided;

(7) Each tattoo shop shall be provided with a sink at the work station for the exclusive use of the tattoo artist for handwashing and preparing the client for tattooing. Where more than one tattoo artist operates in the tattoo shop, each tattoo artist's work station shall be provided with a sink. The sink shall be provided with adequate hot and cold running water under pressure with a mixing valve or combination faucet. Soap, an approved hand drying device, and a refuse container shall be provided at each sink;

(8) Animals shall not be permitted in the tattoo

shop, except for guide or service animals accompanying persons with disabilities;

(9) Smoking and the use of tobacco in any form shall be prohibited in the tattooing room;

(10) Any other business or dwelling shall be completely separated from the tattoo shop by at least a §11-17.1-14

solid partition from the floor to the ceiling; and

(11) Only tattooing shall be permitted in a tattoo shop, except that other operations may be permitted provided that the director determines that no public health hazard or nuisance will result from the operation. [Eff ] (Auth: HRS §§321-13, 321-373) (Imp: HRS §321-373)

§11-17.1-15 Equipment. (a) Needles, tubes, and tips shall be constructed in a manner that permits easy cleaning and sterilization.

(b) Needles and assemblies designed to be disposable shall be used one time, on one person only, and then discarded in accordance with section 11-17.1-18.

(c) All dyes or pigments used in tattooing shall be non-toxic, free from adulteration, and made from materials generally regarded as safe.

(d) Each tattoo artist shall be provided with adequate storage cabinets for the exclusive storage of instruments, dyes, pigments, carbon, stencils, and other paraphernalia used in the shop.

[Eff ] (Auth: HRS §§321-13, 321-373)  
(Imp: HRS § 321-373)

§11-17.1-16 Tattooing Procedure. (a) The tattoo artist shall explain the following to each client before a tattoo application:

(1) The application procedure;

(2) Possible tissue reactions following application; and

(3) Importance of after-application care.

(b) The tattoo shop license holder shall maintain proper records of each client. The records shall include the following:

(1) The date on which the tattoo was applied;

(2) The name, address, and age of the client;

(3) The design and location of the tattoo;

(4) The name of the tattoo artist; and



- (5) The signature of the client.
- (c) The information required in subsection (b) shall be permanently recorded in a bound book which shall be made available for examination by the director and shall be kept in the tattoo shop for at least two years following the date of last entry.

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- (d) All tattoo artists shall comply with the following:
  - (1) All tattoo artists shall wash their hands using good mechanical action with soap or detergent and warm water, and shall dry their hands using clean single-service or single use towels or other approved method immediately before and after tattooing;
  - (2) Gloves, if used, shall be single-service;
  - (3) Any open sores on the tattoo artist's hands shall be adequately protected;
  - (4) The area of the client's skin to be tattooed shall be adequately cleaned. Shaving, if done, shall be performed with a single-service razor;
  - (5) Before placing the design on the client's skin, the tattoo artist shall treat the skin area with seventy per cent alcohol or other effective germicidal solution which shall be applied using aseptic technique;
  - (6) If petroleum jelly or other substances are used in applying stencil designs to the skin, they shall be dispensed from collapsible metal or plastic tubes, or by other methods acceptable to the director;
  - (7) Reusable stencils for transferring the design to the skin shall be thoroughly cleansed and sanitized after each use. Clean, single-service stencils may also be used;
  - (8) Only sterilized needles and tubes or tips, in good condition, shall be used for tattooing;
  - (9) Single-service or individual portions of dyes or pigments in sterilized containers or single-service containers shall be used for each client. After tattooing, the remaining unused dyes or pigments in the single-service or individual containers shall be discarded; and
  - (10) Immediately after tattooing, the tattoo artist shall advise the client on the care of the

tattoo and instruct the client to consult a physician at the first sign of infection.  
[Eff ] (Auth: HRS §§321-13, 321-373)  
(Imp: HRS §321-373)

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§11-17.1-17 Sterilization procedure. (a) Each tattoo shop or institution teaching the practice of tattooing shall contain sterilization equipment adequate in size to accommodate needles, tubes, tips, and other related utensils and equipment.

(b) After each use, the needles and assemblies shall be cleansed to remove protein residue (blood and tissue) and sterilized.

(c) One of the following methods of sterilization shall be used:

(1) Autoclave - steam under pressure.

(A) 121°C (250°F) for not less than thirty (30) minutes after the chamber of the autoclave has been evacuated of air and has reached temperature; or

(B) As specified in the manufacturer's operator's manual.

(2) Dry heat sterilization.

(A) 170°C (338°F) for not less than two (2) hours after the sterilizer has reached temperature; or

(B) As specified in the manufacturer's operator's manual.

(3) By other methods approved in writing by the director.

(d) Sterilization shall be monitored by the use of chemical/heat sensitive (ie. color change) indicators with each batch of equipment sterilized or by other methods approved in writing by the director.

(e) Sterilized equipment shall be stored, wrapped, or covered in a manner which will ensure that they will remain sterile until used. Each batch shall be labeled with the date of sterilization. If exposed to any potential source of contamination, the equipment shall be re-sterilized prior to use.

(f) Sterile equipment, stored in an approved manner and not used within thirty (30) days after sterilization, shall no longer be considered sterile and

shall be re-sterilized before use.  
[Eff ] (Auth: HRS. §§321-13, 321-373)  
(Imp. HRS §321-373)

§11-17.1-18 Disposal of infectious waste. Used  
tattoo needles and other infectious waste shall be  
stored, treated, and disposed of in accordance with the

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provisions of chapter 11-104, which regulates the  
management and disposal of infectious waste.  
[Eff ] (Auth: HRS. §§321-13, 321-373)  
(Imp. HRS §321-373)

§11-17.1-19 Penalties. (a) Any person against  
whom proceedings have been brought pursuant to HRS  
section 321-379 or for violation of any provision of  
this chapter which resulted in findings of any of the  
causes listed in HRS subsection 321-379(b) or any  
provision of this chapter may be assessed a fine of not  
less than \$100 nor more than \$5,000 for each offense.  
Any action taken to impose or collect the penalty  
provided for in this subsection shall be considered a  
civil action.

(b) The director may bring a civil action to  
enjoin any person for violation of HRS subsection 321-  
379(b) or any provision of this chapter.

(c) Any person violating any provision of this  
chapter shall be subject to the penalties specified in  
HRS section 321-20. [Eff ] (Auth: HRS  
§§321-13,321-373) (Imp: HRS §321-380)

§11-17.1-20 Severability. Should any section,  
paragraph, sentence, clause, phrase or application of  
this chapter be declared unconstitutional or invalid for  
any reason, the remainder or any other application of  
this chapter shall not be affected.  
[Eff ] (Auth: HRS §§321-13, 321-373)  
(Imp: HRS §321-373)